

BENJAMIN B. WAGNER  
United States Attorney  
KATHLEEN A. SERVATIUS  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARCO ANTONIO NEGRETE-SAENZ,  
  
Defendant.

CASE NO. 1:02-CR-005408-AWI-1

STIPULATION REFERRING MOTION FOR  
SENTENCE REDUCTION TO FEDERAL  
DEFENDER'S OFFICE AND PROBATION  
OFFICE AND ORDER THEREON

The Court is in receipt of a motion to reduce a criminal sentence pursuant to Title 18, United States Code, Section 3582(c)(2). The Court refers this motion to the Probation Office (Probation Officers Hubert Alvarez and/or Melinda Peyret) and the Office of the Federal Defender and Assistant Federal Defender David M. Porter, pursuant to General Order No. 546. The Federal Defender's Office shall have 30 days from the date the Court approves the stipulation/order to conduct an initial review of the motion to determine the status of representation of the defendant.

1. If Federal Defender's Office determines that the defendant is eligible for representation and agrees to represent the defendant, a representative of the Federal Defender's Office shall file a notice of appearance in the case. If the matter has been referred to panel counsel, a copy of this order shall be forwarded by the Federal Defender's Office to appointed panel counsel who shall then file a notice of appearance in the case.

///

2. The notice of appearance shall indicate whether counsel intends to supplement the defendant's motion.

3. If the defendant does not intend to supplement the motion, the government's response will be due 14 days following counsel's notice of appearance.

4. If defendant's counsel intends to supplement the defendant's motion, then the notice of appearance shall indicate the date upon which the supplement will be filed and the date upon which the government's response shall be due. Such dates should be mutually agreeable to the parties.

5. If the parties agree that a hearing is necessary, the notice of appearance shall include the date of the hearing, preferably no earlier than two weeks after the government's response is filed. If the parties are not in agreement that a hearing is necessary, that issue should be addressed in the parties' respective filings.

6. Should no counsel enter an appearance on behalf of the defendant, the government will file a response within 14 days of the expiration of the 30-day period referred to above.

7. Upon review of the motion and response, the Court will determine whether oral argument or hearing will aid its determination of the motion and notify counsel of its decision.

Dated: January 9, 2015

BENJAMIN B. WAGNER  
United States Attorney

/s/ Kathleen A. Servatius  
KATHLEEN A. SERVATIUS  
Assistant United States Attorney

Dated: January 9, 2015

HEATHER E. WILLIAMS  
Federal Defender

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender  
Attorney for Defendant

IT IS SO ORDERED.

Dated: January 9, 2015

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE